



- g. Convert a full-time certified medical assistant to a full-time LPN position assigned to the Cass County Jail.
- h. Revised purchasing card policy as recommended by the Finance Committee.
- i. Social Media Policy, Customer Use Policy and Social Media Disclaimer.
- j. Hardship flood buyout for 610 Hackberry Drive as recommended by the Finance Committee.
- k. Curative Quit Claim Deed for Lot 1, less the east 12 1/2 feet, Block 1, Reeve's Addition.
- l. Application filed by North Central Turf Grass Association for a raffle on 2/28/13.
- m. Resolution approving Plat of Concierge Southwest Second Addition (Attachment "A").
- n. Resolution approving Plat of Industrial Subdivision No. 4 (Attachment "B").
- o. Agreement for Special Improvements with Carefree Investments, LLC for Improvement District Nos. 6202 and 6203.
- p. Professional Services Amendment No. 14, for an increase of \$5,760.00, for Project No. 5031-02.
- q. Scope of work and sole source procurement of SRF Consulting Group in the amount of \$14,126.00 to study the possibility of expanding the railroad quiet zone (Project No. 6207).
- r. Final Balancing Change Orders for the following Improvement Districts:
  - (1) No. 1 for an increase of \$18,452.38 for No. 6020.
  - (2) No. 1 for an increase of \$31,294.81 for No. 6100.
- s. Bid advertisement for Project No. 6189.
- t. Bills in the amount of \$4,714,411.82.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 (62nd Avenue South Cul-de-sac in Maple Valley Addition):

Commissioner Mahoney moved the following action be taken in connection with Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978:

Adopt Resolution Creating Improvement District No. 5978:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 5978 in the City of Fargo, North Dakota, be created

On 62nd Avenue South cul-de-sac east of Maple Valley Drive South.

COMPRISING:

Lots 2 through 31, inclusive, Block 8.  
All in Maple Valley Addition.

All of the foregoing located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. 5978:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 5978 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$211,200.00.)

Order Plans and Specifications for Improvement District No. 5978:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 5978 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 5978:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 5978 in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. 5978 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals Improvement District No. 5978 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Concrete Curb and Gutter, Asphalt Pavement, Street Lights and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 5978:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 5978 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6176 (Various Locations in North Fargo):

Commissioner Mahoney moved the following action be taken in connection with Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6176:

Adopt Resolution Creating Improvement District No. 6176:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6176 in the City of Fargo, North Dakota, be created

On 1st Street North from 12th Avenue North to 14th Avenue North.

On 2nd Street North from 12th Avenue North to 14th Avenue North.

On 13th Avenue North from Oak Street North to 3rd Street North.

COMPRISING:

Lots 1 through 12, inclusive, Block 1.  
Lots 1 through 16, inclusive, Block 2.  
All in Bernard Holes Addition.

Lot 13, Block 1.  
Lot 1, Block 2.  
All in Bernard Holes Second Addition.

Lots 16 through 32, inclusive, Block 5.  
Lot 1 and Lots 17 through 32, inclusive, Block 6.  
Lots 1 through 31, inclusive, Block 7.  
Lots 1 through 32, inclusive, Block 8.  
All in Holes First Addition.

All of the foregoing located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6176 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. 6176:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6176 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$2,622,625.00.)

Order Plans and Specifications for Improvement District No. 6176:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6176 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6176:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6176 in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. 6176 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Water Main Replacement, Street Reconstruction and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. 6176 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That a portion of said Water Main Replacement, Street Reconstruction and Incidentals improvement is to be paid from Street/Infrastructure Sales Tax, and approximately 22% is to be assessed against the benefited property in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement, Street Reconstruction and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 6176:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6176 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Seal Coat and Incidentals Improvement District No. 6181 (Various Locations in North and South Fargo):

Commissioner Mahoney moved the following action be taken in connection with Seal Coat and Incidentals Improvement District No. 6181:

Adopt Resolution Creating Improvement District No. 6181:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. 6181 in the City of Fargo, North Dakota, be created

On 47th Street South from 40th Avenue South to 250' south of 45th Avenue South.

On 48th Street South from 44th Avenue South to 45th Avenue South.

On 49th Street South from 44th Avenue South to 45th Avenue South.

On 50th Street South from 44th Avenue South to 45th Avenue South.

On 52nd Street South from Farmstead Court South to 44th Avenue South.  
On 53rd Street South from Farmstead Court South to 921' south of 44th Avenue South.  
On 54th Street South from Farmstead Court South to 44th Avenue South.  
On 55th Street South from 40th Avenue South to 44th Avenue South.  
On 44th Avenue South from 45th Street South to Veteran's Boulevard South.  
On 45th Avenue South from 47th Street South to 50th Street South.  
On Clock Tower Lane South from 47th Street South to 44th Avenue South.  
On Townsite Place South from 47th Street South to 47th Street South.  
On Sunflower Lane South from 55th Street South to 55th Street South.  
On all of Farmstead Court South.

COMPRISING (Section 7):

Lots 1 through 7, Block 1, The Shoppes at Osgood 1st Addition.  
Lots 1 through 6, Block 1, Osgood Townsite City Center 1st Addition.  
Lots 1 through 10, Block 1, Osgood Townsite 2nd Addition.  
Lots 1 and 2, Block 1, Shoppes at Osgood Southwest 1st Addition.  
Lots 1 through 4, Block 1, Osgood Townsite Marketplace Addition.

Lot 1, Block 1.  
Lot 3, Block 1.  
All in Osgood Townsite 6th Addition.

Lots 1 through 4, Block 1, Osgood Townsite 3rd Addition.

Lots 1 through 14, Block 2.  
Lots 1 through 37, Block 3.  
Lots 1 through 12, Block 4.  
Lot 3, Block 5.  
Lots 1 through 23, Block 6.  
Lots 1 through 19, Block 7.  
Lots 1 through 18, Block 8.  
Lots 1 through 24, Block 9.  
All in Osgood Townsite 1st Addition.

Lots 1 through 11, Block 1.  
Lot 13, Block 1.  
Lots 15 through 27, Block 1.  
Lots 1 through 36, Block 2.  
Lots 1 through 34, Block 3.  
Lots 1 through 35, Block 4.  
Lots 1 through 46, Block 5.  
Lot 48, Block 5.  
Lots 1 through 19, Block 6.  
Lots 1 through 13, Block 7.  
Lots 1 through 10, Block 8.  
Lot 15, Block 8.  
Lots 3 through 12, Block 9.

All in Osgood Farms 1st Addition.

Lots 1 through 44, Block 1, Osgood Estates Addition.

Lots 1 through 51, Block 1, Osgood Estates 2nd Addition.

Lots 1 through 40, Block 1, Osgood Estates 3rd Addition.

Lots 1 and 2, Block 1, Bluestem Addition.

Lots 1 and 2, Block 1, Osgood Farms 2nd Addition.

Lots 1 through 3, Block 1, Osgood Farms 3rd Addition.

Lots 1 through 3, Block 1, Osgood Kindergarten Center and Park Addition.

Lots 32 and 33, Block 1, Tuscan Villas at Osgood.

Lots 1 through 16, Block 1.

Lots 1 through 7, Block 2.

All in Tuscan Villas at Osgood 2nd Addition.

All of the foregoing located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Seal Coat and Incidentals Improvement District No. 6181 in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost From the City Engineer for Improvement District No. 6181:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. 6181 in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$785,880.00.)

Order Plans and Specifications for Improvement District No. 6181:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. 6181 in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. 6181:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. 6181 in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. 6181 in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Seal Coat and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Seal Coat and Incidentals Improvement District No. 6181 in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Seal Coat and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. 6181:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. 6181 in the City of Fargo, North Dakota.

Second by Wimmer. On call of the roll Commissioners Mahoney, Wimmer, Williams, Sobolik and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Application for an Early Building Permit for the West Fargo School District for an Elementary School at 3700 54th Street South Approved:

The Board received a Report of Action from the Public Works Projects Evaluation Committee stating the committee reviewed a communication from Division Engineer Brenda Derrig relating to a request for an Early Building Permit associated with the construction of the West Fargo Elementary School at 3700 54th Street South. They said the school is slated to open in the fall of 2014 and the City will be bidding a project for the installation of underground utilities and paving for construction in 2013.

Ms. Derrig said the City works with the West Fargo School District in the area west of 45th Street, the same as it works with the Fargo School District in the other areas of the City.

Commissioner Williams moved the application for an early building permit for the West Fargo School District for an elementary school at 3700 54th Street South be approved.

Second by Wimmer. On call of the roll Commissioners Williams, Wimmer, Mahoney, Sobolik and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Receive and File Request from Edward Ferguson for Waiver from the River Setback Ordinance: Appropriate Staff Directed to Evaluate the Waiver for Property Located at 4103 66th Street South:

The Board received a communication from Attorney Jade Rosenfeldt of the Vogel Law Firm stating her firm is representing Edward Ferguson in regards to a zoning and setback matter. She said Mr. Ferguson is requesting a waiver of Ordinance No. 4818 on property located at 66th Street South to include unplatted property as part of those properties eligible for waivers of the ordinance. She said if Mr. Ferguson were to develop this property into multiple single-family duplexes, which was his original intent when the property was purchased and remains his intent today, based on the River Setback Ordinance he would only be allowed to develop on less than a fourth of his property. If a waiver was granted, she stated, Mr. Ferguson could proceed with developing this property into the multiple single-family duplexes as originally planned and in conformity with the remaining ordinance. In 2004, she said, Mr. Ferguson approached the City and was approved pursuant to Ordinance No. 4376 to rezone this property from AG, Agricultural to SR-4, Single-Dwelling which allowed for duplexes. By not allowing the waiver, she said, Mr. Ferguson will essentially be stripped of what he and the City of Fargo had agreed on in regards to this property in 2004 and he will essentially be unable to develop the property. She said the request is to determine the eligibility of the property for a waiver before engaging in the expense of a geotechnical analysis.

Edward Ferguson, the owner of property at 4103 66th Street South, said the property is six contiguous acres and is eligible for development; however, as the Ordinance reads it essentially takes away its value. He said a piece of property has the same viability for development whether it is platted or unplatted; however, the Ordinance indicates that unplatted land is not eligible for a waiver, he said.

Commissioner Williams said when the River Setback Ordinance was approved, the Board was careful to establish a procedure for those seeking waivers to make a case; however, that does not guarantee approval.

Commissioner Williams moved the request from Edward Ferguson for a waiver from the River Setback Ordinance be received and filed and that appropriate staff be directed to evaluate the request for a waiver for property at 4103 66th Street South and submit their recommendation to the Board.

Second by Sobolik. On call of the roll Commissioners Williams, Sobolik, Mahoney, Wimmer and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Appointments to the Community Development Committee Approved:

The Board received a communication from Mayor Walaker recommending that Linda Klebe be reappointed to the Community Development Committee and Erin Koffler be appointed to the Community Development Committee to fill the expired term of Steve Stoner.

Commissioner Sobolik moved Linda Klebe be reappointed and Erin Koffler be appointed to the Community Development Committee for three-year terms ending December 31, 2015.

Second by Mahoney. On call of the roll Commissioners Sobolik, Mahoney, Wimmer, Williams and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Application to Transfer the Alcoholic Beverage License from Coulter Holding Company d/b/a JT Cigarro to JT's Bar and Lounge, LLC d/b/a JT Cigarro Approved:

A Hearing had been set for January 21, 2013 on an application to transfer the Class "AB" Alcoholic Beverage License from Coulter Holding Company d/b/a JT Cigarro at 4554 7th Avenue South to JT's Bar and Lounge, LLC d/b/a JT Cigarro notice of which had been duly published in the official newspaper for the City of Fargo. At the January 21, 2013 meeting, the Hearing was continued to this day and hour.

City Auditor Steve Sprague said one issue with this transfer is that the current owner, Dana Coulter, was reluctant to comply with the new statewide smoking ban and allowed access to a smoking room. He said the applicants assured the Board that practice will not continue under their ownership; therefore, the Liquor Control Board recommends approval of the transfer.

In response to a question from Commissioner Sobolik about the background investigation and criminal convictions in the background of both applicants, Chief of Police Keith Ternes said the incidents are fairly dated and do not concern him to the point of denying the transfer. He said he feels the issue is compliance with the smoking regulations and the liquor license transfer should be contingent on that.

Barrett Prody, 3250 40th Avenue South, stated the new ownership will be compliant with the smoking regulations and smoking at JT Cigarros will be a thing of the past.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Wimmer moved the application be approved contingent upon compliance with the Smoking Ordinance.

Second by Williams. On call of the roll Commissioners Wimmer, Williams, Mahoney, Sobolik and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Application to Transfer the Alcoholic Beverage License from RRL Fargo, LLC d/b/a Red River Lodge to FM Hospitality, LLC d/b/a Red River Lodge and Suites Approved:

A Hearing had been set for January 21, 2013 on an application to transfer the Class "ABH" Alcoholic Beverage License from RRL Fargo, LLC d/b/a Red River Lodge at 901 38th Street South to FM Hospitality, LLC d/b/a Red River Lodge and Suites notice of which had been duly published in the official newspaper for the City of Fargo. At the January 21, 2013 meeting, the Hearing was continued to this day and hour.

City Auditor Steve Sprague said there were three partners in the business and one partner bought the others out. He said when there is more than a 50% transfer of ownership an application to transfer the liquor license is required. There were no

issues in the background check, he said, and the Liquor Control Board recommends approval of the transfer.

No written protest or objection to the granting of the application has been received or filed in the office of the City Auditor, and said application has been approved by the Police Department as to the character of the applicant.

The Board determined that no person is present at this Hearing to protest or offer objection to the granting of the application.

Commissioner Wimmer moved the application be approved.

Second by Sobolik. On call of the roll Commissioners Wimmer, Sobolik, Mahoney, Williams, and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

#### Amendment to the Growth Plan Approved:

A Hearing had been set for this day and hour to consider approval of an amendment to the Growth Plan of the proposed Valley View Addition from Low/Medium Density Residential to Schools and from Medium/High Residential Density to Low/Medium Residential Density.

The Fargo Planning Commission recommended approval of the amendment to the Growth Plan at their December 4, 2012 meeting.

Planning Administrator Nichole Crutchfield said there was some opposition at the Planning Commission meeting to higher density residential zoning along the 40th Avenue corridor. She said an alternative Growth Plan amendment was presented by staff that would reduce the amount of land proposed for commercial and multiple dwellings along 40th Avenue. The developer is bringing all the land in the area to a master plan, she stated, and the proposed Growth Plan amendment will increase commercial development along Veterans Boulevard and 40th Avenue South, as well as increase multi-family dwellings along 40th Avenue South just west of Cass County Drain 27. The Public Institutional area will increase, she stated, to accommodate plans for the school along 54th Street and 38th Avenue South. She said the development will also include a large area for a park north of the school.

The Board determined that no person is present to protest or offer objection to the Growth Plan amendment.

Commissioner Sobolik moved the amendment to the Growth Plan be approved.

Second by Wimmer. On call of the roll Commissioners Sobolik, Wimmer, Williams, Mahoney and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

#### Parcels of Land in Valley View Addition Rezoned:

At a Hearing held on December 4, 2012 the Fargo Planning Commission recommended approval of a change in zoning from AG, Agricultural to SR-4, Single-Dwelling, SR-2, Single Dwelling, MR-1, Multi-Dwelling and P/I, Public and Institutional of the proposed Valley View Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

WHEREAS, There have been no written or verbal protests to the request for rezoning and no one is present to protest thereto.

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Wimmer. On call of the roll Commissioners Sobolik, Wimmer, Williams, Mahoney and Walaker voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Valley View Addition, Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Valley View Addition, Fargo, Cass County, North Dakota be placed on first reading.

Second by Wimmer. On call of the roll Commissioners Sobolik, Wimmer, Williams, Mahoney and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Resolution Adopted Approving Valley View Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Valley View Addition" containing 69 Lots, 8 Blocks, and 76.99 acres of land more or less, located at 3600 Veterans Boulevard, 4902 32nd Avenue South, 4952 and 5202 40th Avenue South, and 5052 36th Avenue South; and

WHEREAS, A Hearing was held December 4, 2012 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on January 28 and February 4, 2013 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., February 4, 2013 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Valley View Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all

other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the office of the Register of Deeds of Cass County, North Dakota.

Second by Wimmer. On call of the roll Commissioners Sobolik, Wimmer, Williams, Mahoney and Walaker voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

2013 Community Development Action Plan for Housing and Community Development Approved:

A Hearing had been set for this day and hour on the proposed 2013 Community Development Action Plan for Housing and Community Development resources which will be used in the next fiscal year in accordance with the community's Consolidated Plan update.

The Board received a communication from Senior Planner Dan Mahli stating the Community Development Committee is recommending approval of the submitted 2013 Community Development Action Plan. He stated the proposed budget includes \$640,000 in Community Development Block Grant (CDBG) funds and \$470,000 in HOME funds to be available. Upon City Commission approval, he said, the plans will be forwarded to the US Department of Housing and Urban Development for final review and approval. He said projects in the 2013 Action Plan include the following activities:

HOUSING REHABILITATION - Owner Occupied: \$398,000 to be available for rehabilitation of existing owner occupied housing units. This includes \$50,000 in CDBG and \$348,000 in HOME funds.

AFFORDABLE HOUSING PROJECTS:

Beyond Shelter, Inc. CHDO Projects - \$75,000 in HOME funds for construction of affordable senior housing at 4955 28th Avenue South.

DOWNTOWN PROJECTS: \$100,000 in CDBG funds for projects that address slum and blight conditions in downtown Fargo.

PUBLIC SERVICE PROJECTS:

Fargo Homeless Initiatives - \$60,000 in CDBG funds to support Fargo's emergency homeless shelter as well as a police liaison to the homeless population.

Snow Removal Assistance - \$1,500 in CDBG funds to offer emergency snow removal assistance to low income senior households and people with disabilities.

Opportunities Under Transit (OUT)/Fargo Adult Education - \$1,500 in CDBG funds to provide transportation to low and moderate income participants of Fargo Adult Education classes.

Job Training - \$10,000 in CDBG funds to provide job skills training and development for refugees and low income persons.

Homebuyer and Tenant Education - \$20,000 in CDBG funds to support general and financial education for low income new homebuyers and renters.

FACILITIES/CAPITAL:

Supportive Housing/Shelter Facility Improvements - \$250,000 in CDBG funds will be used to assist with affordable housing and sheltering activities.  
Neighborhood Project - \$16,000 in CDBG funds will be used to enhance a low/moderate income neighborhood in Fargo.

ADMINISTRATION: \$128,000 in CDBG funds for project development, planning and administrative costs associated with the delivery of the CDBG program. HOME funds will provide an additional \$47,000 for administration.

In response to a question from Mayor Walaker about the difference in funding from last year, Mr. Mahli said Fargo has not seen as large a cut as other communities because of its population growth. He said Community Development Block Grant funds are about the same, the HOME funds are down a third and the Neighborhood Stabilization Funds have been cut entirely from the budget.

Commissioner Sobolik moved the 2013 Community Development Action Plan be approved.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Mahoney, Wimmer and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

City of Fargo's Section 5307 Federal Transportation Administration Grant Preliminary Program of Projects for 2013 Approved:

A Hearing had been set for this day and hour to consider the City's Section 5307 Federal Transportation Administration grant preliminary Program of Projects for 2013.

The Board determined that there have been no written or verbal protests and no one is present to protest thereto.

The Board received a communication from Director of Planning and Development Jim Gilmour stating the Federal Transit Administration will make available to the City operating grant funds to be used for the transit system. He said the City of Fargo is required to hold a public hearing prior to submitting their application. He said the Program of Projects, which he attached, was developed by the Transit Division to be submitted with the application for the funds.

Commissioner Williams moved the Program of Projects for 2013 and Federal Transit Grant Award of \$2,133,885.00 be approved.

Second by Sobolik. On call of the roll Commissioners Williams, Sobolik, Mahoney, Wimmer and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Legislative Update:

City Administrator Pat Zavoral reviewed the updated matrix of legislative bills the City either supports or opposes. He said Fire Chief Steve Dirksen testified on HB1145 relating to the use of insurance premium tax collections for firefighting. He said some of the topics the 2013 Legislature is dealing with include: water retention, gaming tax rates, property tax caps, assessments, political signs, early voting, voter

eligibility, executive orders, building codes, sales tax rates, firearms control, 911 fees, lobbyist qualifications, drug paraphernalia, duty to report a missing child or death of a child and domestic violence.

Commissioner Wimmer moved approval of the support and oppose matrix of bills as presented.

Second by Sobolik. On call of the roll Commissioners Wimmer, Sobolik, Williams, Mahoney and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Tuesday, February 19, 2013.

Second by Wimmer. All the Commissioners voted aye and the motion was declared carried.

The time at adjournment was 6:00 o'clock p.m.